

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
YANG SHEN and XIAOXIA YU,

Plaintiffs,

v.
GJ GROUP USA INC. and ZEXIN JIANG,

Defendants.
-----X

**AFFIRMATION IN
SUPPORT OF REQUEST
FOR CERTIFICATE OF
DEFAULT**

Case No: 1:19-cv-02212

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

BAYA WHITMAN HARRISON IV, an attorney duly admitted to practice in New York and in this Court, affirms on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the Bar of this Court and I am associated with the firm The Harrison Law Firm, P.C., attorney for Plaintiffs YANG SHEN and XIAOXIA YU (collectively, “Plaintiffs”) in the above-entitled action, and I am familiar with all the facts and circumstances in this action. I submit this affirmation in support of Plaintiff’s application pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.1 for a Certificate of Default against the Defendants, GJ GROUP USA INC. and ZEXIN JIANG, for failure to appear in this action.

2. This action was commenced pursuant to the Fair Labor Standards Act (FLSA) and New York Labor Law (NYLL).

3. This action was commenced on April 15, 2019 by the filing of the summons and complaint.

4. A copy of the summons and complaint was served on Defendant GJ GROUP USA INC. by personally serving an authorized person on May 1, 2019 at GJ GROUP USA INC.'s actual place of business, 133-35 Roosevelt Avenue, Flushing, NY 111354, and then mailing a copy of the summons and complaint to GJ GROUP USA INC.'s actual place of business on May 9, 2019. The affidavit of service was filed in this action on May 14, 2019. (Doc. No. 005). Service was therefore effective on May 24, 2019. N.Y. C.P.L.R. 308(2). GJ GROUP USA INC.'s deadline to answer or move was June 13, 2019. N.Y. C.P.L.R. 308(2).

5. A copy of the summons and complaint was served on Defendant ZEXIN JIANG by personally serving an authorized person on May 1, 2019 at ZEXIN JIANG's actual place of business, 133-35 Roosevelt Avenue, Flushing, NY 111354, and then mailing a copy of the summons and complaint to ZEXIN JIANG's actual place of business on May 9, 2019. The affidavit of service was filed in this action on May 14, 2019. (Doc. No. 006). Service was therefore effective on May 24, 2019. N.Y. C.P.L.R. 308(2). ZEXIN JIANG's deadline to answer or move was June 13, 2019. N.Y. C.P.L.R. 308(2).

6. The time for Defendants GJ GROUP USA INC. and ZEXIN JIANG to answer or otherwise move with respect to the complaint herein has expired.

7. Defendants GJ GROUP USA INC. and ZEXIN JIANG have not answered or otherwise moved with respect to the complaint.

8. Upon information and belief, and as it appears from facts in this litigation, Defendant ZEXIN JIANG is not an infant, mentally incompetent, or presently in the military service of the United States.

9. This is an action to recover unpaid overtime wages under the Fair Labor Standards Act owed by Defendants, jointly and severally, to Plaintiffs. Plaintiffs also allege unpaid overtime wages and failure to provide statutorily-required notices and wage statements in violation of the New York Labor Law.

10. Jurisdiction of the subject matter of this action is based on federal question jurisdiction and supplemental jurisdiction of the related state-law claims.

WHEREFORE, Plaintiffs YANG SHEN and XIAOXIA YU request that the default of Defendants GJ GROUP USA INC. and ZEXIN JIANG be noted and a certificate of default be issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: Flushing, New York
June 14, 2019

Respectfully submitted,
The Harrison Law Firm P.C.

By: Baya W. Harrison
Baya W. Harrison, Esq. (5678610)
The Harrison Law Firm P.C.
38-08 Union Street, Suite 11A, Flushing, NY
11354
Tel: (866) 943-2692 | Fax: (866) 943-2692
Email: bwh@heboya.com
Attorney for Plaintiffs